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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

**BOBBY WARREN; ANDY LAMBACH;
JONATHON WILLIAMS; MICHAEL
SAMUELSON; TRACY MILLER;
TONA PETERSEN; CAROL BETH
THOMPSON; CHRISTA STEVENS,**

Plaintiffs,

v.

**CITY OF CHICO; CITY OF CHICO
POLICE DEPARTMENT,**

Defendants.

Case No. 2:21-cv-00640- MCE-DMC

**STIPULATION AND ORDER TO EXTEND
TRO AND CONTINUE PRELIMINARY
INJUNCTION HEARING**

Date: May 14, 2021

Time: 10:00 a.m.

Courtroom: Room 7, 14th Floor (via
videoconference)

Judge: Hon. Morrison C. England, Jr.

1 WHEREAS, on April 11, 2021, this Court granted the Temporary Restraining Order
2 requested by Plaintiffs Bobby Warren, Andy Lambach, Jonathon Williams, Michael Samuelson,
3 Tracy Miller, Tona Peterson, Carol Beth Thompson, and Christa Stevens (Plaintiffs) and set a
4 hearing on Plaintiffs' request for Preliminary Injunction for April 23, 2021;

5 WHEREAS, counsel for Plaintiffs and counsel for Defendants City of Chico and City of
6 Chico Police Department (Defendants) appeared at the April 23, 2021 hearing on Preliminary
7 Injunction and the parties agreed and this Court ordered that the terms of the Temporary Restraining
8 Order are extended until May 14, 2021 and the hearing on the Preliminary Injunction was continued
9 to May 14, 2021;

10 WHEREAS, at the April 23, 2021 hearing on Preliminary Injunction this Court asked the
11 parties to discuss resolution of Plaintiffs' request for Preliminary Injunction;

12 WHEREAS, counsel for the parties met on April 30, 2021 to discuss resolution of the
13 request for Preliminary Injunction, as well as resolution of this litigation, and intend to continue
14 these negotiations;

15 WHEREAS Defendant City of Chico formed a Homeless Solutions Ad Hoc Committee of
16 the City of Council and held three public hearings on April 28, April 30, and May 3, 2021 and will
17 use information collected in those public hearings to continue discussions with Plaintiffs;

18 WHEREAS the parties desire that the hearing on the Preliminary Injunction be continued
19 and the Temporary Restraining Order be extended to give the parties more time to discuss and reach
20 resolution;

21 IT IS THEREFORE STIPULATED, through the parties' respective undersigned counsel of record,
22 as follows:

- 23 1. Plaintiffs and Defendants request this Court continue the hearing on Plaintiffs' request for
24 Preliminary Injunction to June 11, 2021 at 10:00 a.m.;
- 25 2. The parties shall file a joint status statement informing the Court of the status of their
26 discussions no later than June 4, 2021.

1 3. Plaintiffs and Defendants agree to extend the terms of the Temporary Restraining Order
2 [Docket Number 37] through June 11, 2021 or any date for which this Court sets a hearing
3 on Plaintiffs' Preliminary Injunction, if later than June 11, 2021, as follows:

4 a. Defendants City of Chico and Chico Police Department, their agents, servants,
5 employees and attorneys and those in active concert or participation with them are
6 restrained and enjoined from the following:

7 i. Enforcing or threatening to enforce the 72-Hour Illegal Encampment
8 Notifications dated April 8, 2021 at 12 p.m. at Comanche Creek Green Way
9 in Chico, California;

10 ii. Issuing or enforcing any other 72-Hour Illegal Encampment Notifications as
11 to unhoused persons on public property in Chico, California;

12 iii. Enforcing or threatening to enforce the Chico Municipal Code sections listed
13 in the April 8, 2021 72-hour Illegal Encampment Notification, which are
14 Municipal Code sections 12R.04.340, 12.18.430, 9.20.010 through
15 9.20.060; and 9.50.030. Enforcement and threat of enforcement of §
16 9.20.030 (Unlawful Camping) is only restrained on public property.
17 Enforcement and threat of enforcement of § 9.50.030 is limited to §§
18 9.50.030 (B) -(E) (Waterways Ordinance - Camping, Staying, Storage of
19 Personal Property, Entering and Remaining);

20 iv. Enforcing or threatening to enforce California Penal Code § 647(c), which
21 is listed on the April 8, 2021 at 12 p.m. Illegal Encampment Notification;
22 and

23 v. Destroying property of unhoused persons seized by Defendants even if
24 Defendants value the property at less than \$100 or determine it is not of
25 reasonable value.

26 ///

27 ///

1 **IT IS SO STIPULATED**

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3 PLAINTIFFS:

4 DATED: May 6, 2021

5
6 Legal Services of Northern California
7 By: Sarah J. Steinheimer
8 Attorney for Plaintiffs

DEFENDANTS:

DATED: May 6, 2021

Alvarez-Glasman & Colvin
By: Vincent C. Ewing
Eric G. Salbert
Attorneys for Defendants

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10 IT IS SO ORDERED.

11 Dated: May 10, 2021

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14 MORRISON C. ENGLAND, JR.
15 SENIOR UNITED STATES DISTRICT JUDGE
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